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On May 29, 2001
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Jill R. Clarke



PATENT
Attorney Docket No.: 018941000411
Client Reference No.: B98-002

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

STEPHENS et al.

Application No.: 09/438,185

Filed: November 11, 1999

For: CHLAMYDIA PNEUMONIAE
GENOME SEQUENCE

Examiner: Duffy, Patricia A.

Art Unit: 1645

AMENDMENT

#9
M.Q.J
6/14/01

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Office Action mailed February 27, 2001, applicants hereby elect with traverse Group II (claims 9) directed to polypeptides encoded by *Chlamydia pneumoniae* genome sequence. In addition, applicants elect SEQ ID NO: 1047 (CPn 1046).

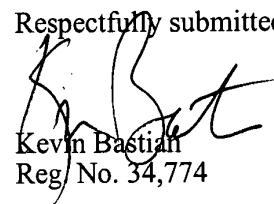
According to the MPEP, where claims can be examined together without undue burden, the Examiner must examine the claims on the merits even though they are directed to independent and distinct inventions. See, the MPEP at 803.01. In establishing that an "undue burden" would exist for co-examination of claims, the Examiner must show that examination of the claims would involve substantially different prior art searches, making the co-examination burdensome. Applicants respectfully submit that examination of all the claims in the present application would not create an undue burden and respectfully request withdrawal of the restriction requirement in this case.

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PATENT

If a telephone conference would expedite prosecution of this application, the Examiner is invited to telephone the undersigned at 415-576-0200.

Respectfully submitted,


Kevin Bastian
Reg/ No. 34,774

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